

APPEAL NO. 021091
FILED JUNE 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 4, 2002. The hearing officer resolved the issues before him by determining that the appellant's (claimant) compensable injury of _____, did not extend to and include a right radial nerve injury. The claimant appealed, challenging the determination on sufficiency grounds. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's _____, compensable injury did not extend to and include a right radial nerve injury. The claimant testified that her compensable right ulnar nerve injury ultimately caused her right radial nerve injury vis-à-vis her surgery to repair the ulnar nerve injury. The carrier argued that the medical records do not adequately support that theory and that the claimant has failed in her burden of proof. There is medical evidence that her condition arose from an earlier nonwork-related condition. The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). The hearing officer did not think the claimant's theory was medically feasible. While the claimant presented conflicting evidence on the issue, upon our review of the record, we conclude that the hearing officer's determination that the claimant's compensable injury did not extend to and include a right radial nerve injury is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C. T. CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge